

Doc Code: AP.PRE.REQ

PTO/SB/33 (07-05)

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PRE-APPEAL BRIEF REQUEST FOR REVIEW		Docket Number (Optional) 1033-A00510-C1		RECEIVED CENTRAL FAX CENTER JAN 16 2006	
I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to "Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450" [37 CFR 1.8(a)]		Application Number 10/017,989		Filed December 6, 2001	
on <u>Jan. 16, 2006</u>		First Named Inventor Raymond W. Bennett et al.			
Signature <u>Emma L. Meyer</u>		Art Unit 2643		Examiner Ramakrishnaiah, Melur	
Typed or printed name Emma L. Meyer					
Applicant requests review of the final rejection in the above-identified application. No amendments are being filed with this request.					
This request is being filed with a notice of appeal.					
The review is requested for the reason(s) stated on the attached sheet(s). Note: No more than five (5) pages may be provided.					
I am the					
<input type="checkbox"/> applicant/inventor.		<u>[Signature]</u> Signature			
<input type="checkbox"/> assignee of record of the entire interest. See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/98)		Jeffrey G. Toler Typed or printed name			
<input checked="" type="checkbox"/> attorney or agent of record. Registration number <u>38,342</u>		512-327-5515 Telephone number			
<input type="checkbox"/> attorney or agent acting under 37 CFR 1.34. Registration number if acting under 37 CFR 1.34 _____		<u>1-16-2006</u> Date			
NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below*.					
<input type="checkbox"/> *Total of _____ forms are submitted.					

This collection of information is required by 35 U.S.C. 132. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11, 1.14 and 41.6. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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JAN 16 2006

Applicant(s): Raymond W. Bennett et al.

Title: SECURITY SYSTEM WITH CALL MANAGEMENT FUNCTIONALITY

App. No.: 10/017,989

Filed: December 6, 2001

Examiner: RAMAKRISHNAIAH, Melur

Group Art Unit: 2643

Customer No.: 34456

Confirmation No.: 1221

Atty. Dkt. No.: 1033-A00510-C1

Mail Stop AF
Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450**REMARKS IN SUPPORT OF
PRE-APPEAL BRIEF REQUEST FOR REVIEW**

Dear Sir:

In response to the Final Office Action mailed on November 9, 2005 (hereinafter, "the Final Office Action"), Applicants file herewith a Notice of Appeal and a Pre-Appeal Brief Request for Review. Applicants respectfully request reconsideration and withdrawal of the rejections in light of the remarks below.

1. Claim 11 Is Allowable over the Combination of Humphries, Kilby, and Launey

Applicants respectfully traverse the rejection of claim 11 under 35 U.S.C. §103(a) over U.S. Patent No. 5,621,662 ("Humphries"), in view of U.S. Patent No. 3,793,487 ("Kilby") and U.S. Patent No. 5,086,385 ("Launey") at page 2, paragraph 2 of the Final Office Action. The cited references fail to provide a suggestion or motivation for making such a combination. Moreover, even if the combination were made, the asserted combination of Humphries, Kilby and Launey fails to disclose or suggest at least one element of claim 11.

Humphries discloses a home automation system with a number of subsystems for controlling various aspects of a house, such as security, heating and ventilation, lighting, and

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Typed or Printed Name	Signature

entertainment subsystems. *See Humphries*, Abstract. Humphries discloses a reference to telephones, namely that the system includes a watch dog timer 22 that monitors the host computer 20 to verify that the home automation system is active and to initiate a call over the telephone lines to an off-site location when the system is inactive. *See Humphries*, Col. 8, lines 48-54. Kilby discloses a system for screening telephone calls, which intercepts incoming calls and provides an announcement and instructions for ringing through. *See Kilby*, Abstract. Kilby fails to disclose or suggest a security system, speech recognition, or a night mode. Launey discloses a home automation controller for controlling lights, security systems, sensors, external terminals and so on, and means for inputting commands including touchscreens, voice recognition systems, and telephones. *See Launey*, Abstract. However, while Launey discloses answering phone calls (*See Launey*, Col. 27, lines 24-29), Launey fails to disclose or suggest a night mode privacy state.

The cited references, Humphries, Kilby, and Launey, fail to provide a suggestion or motivation to make the asserted combination. Neither Humphries nor Launey provide any motivation to modify their systems to include the call screening system of Kilby. The only motivation for making the asserted combination is based on the disclosure of the present application. Therefore, the asserted combination of Humphries, Launey and Kilby is improper and should be withdrawn.

Even if the asserted combination of Humphries, Kilby and Launey were made, the resulting combination fails to disclose or suggest at least one element of independent claim 11. While Kilby discloses a call screening system (*See Kilby*, Abstract), the call screening system of Kilby operates based on a position of a mode switch. *See Kilby*, Col. 7, lines 58-67. Therefore, the asserted combination of Humphries, Kilby and Launey fails to disclose or suggest communicating a security controller state to said call management controller so as to place said call management controller in a night mode privacy state, as recited by claim 11. The rejection of claim 11 should be withdrawn.

2. Claim 12 is Allowable over the Combination of Humphries, Kilby, Launey, and Smith

Applicants traverse the rejection of claim 12 under 35 U.S.C. §103(a) over the combination of Humphries, Kilby, and Launey in further view of U.S. Patent No. 5,166,972

("Smith"). As previously discussed, the asserted combination of Humphries, Kilby and Launey fails to disclose or suggest communicating a security controller state to said call management controller so as to place said call management controller in a night mode privacy state, as recited by claim 11. Smith discloses a group emergency call system for alerting a group of people in the event of an emergency. *See Smith*, Abstract. Smith provides no motivation to modify the home automation systems of Humphries and Launey with the call screening system of Kilby to include the emergency call broadcast system of Smith. Therefore, the asserted combination is improper and should be withdrawn.

Moreover, even if the combination were made, the asserted combination fails to disclose or suggest at least one element of claim 12, at least by virtue of its dependence from claim 11. While the central controller of Smith generates and transmits a message to peripheral controllers for ringing the subscriber sets with a distinctive ringing pattern (*see Smith*, Col. 3, lines 30-38), Smith fails to disclose or suggest communicating a security controller state to said call management controller so as to place said call management controller in a night mode privacy state, as recited by claim 11. Therefore, Smith fails to overcome the deficiency of Humphries, Kilby and Launey. Thus, the asserted combination of Humphries, Kilby, Launey and Smith fails to disclose at least one element of claim 12, at least by virtue of its dependency from claim 11.

3. Claims 21-22 Are Allowable over the Combination of Meier and Launey

Applicants traverse the rejection of claims 21-22 under 35 U.S.C. §103(a) over U.S. Pat. No. 5,596,633 ("Meier") and Launey. Meier discloses a subscriber detection system for routing calls to and from various lines in response to an indication of the presence or absence of a person. *See Meier*, Abstract, Col. 2, line 52-Col. 3, line 19. Launey discloses a home automation controller for controlling lights, security systems, sensors, external terminals and so on, and means for inputting commands including touchscreens, voice recognition systems, and telephones. *See Launey*, Abstract. However, while Launey discloses answering phone calls (*See Launey*, Col. 27, lines 24-29), neither Meier nor Launey disclose or suggest a call management controller coupled to said telephone network for individually enabling, disabling or modifying each said telephone service, as recited in claim 21. Moreover, while Launey discloses a voice processing system (*see Launey*, Col. 12, line 48-Col. 14, line 40), neither Meier nor Launey

disclose or suggest utilizing a voice processing system having speaker verification functionality to identify a user so as to generate a user identity, as recited by claim 22. Thus, the asserted combination of Meier and Launey fails to disclose or suggest at least one element of each of the independent claims 21 and 22. Therefore, the rejection of claims 21 and 22 should be withdrawn.

4. Claim 18 is Allowable over the Combination of Meier, Launey, and Dean

Applicants traverse the rejection of claim 18 under 35 U.S.C. §103(a) over Meier and Launey further in view of U.S. Patent No. 5,901,211 ("Dean"). As previously discussed, the asserted combination of Meier and Launey fails to disclose or suggest at least one element of claim 22, from which claim 18 depends. Dean fails to overcome the deficiency because Dean fails to disclose or suggest utilizing a voice recognition system having speaker verification functionality. Moreover, none of the cited references, alone or in combination, disclose or suggest monitoring at least two locations to determine user location based upon said user identity, as recited in claim 18. Thus, the asserted combination of Meier, Launey and Dean fails to disclose at least one element of claim 18. The rejection of claim 18 should be withdrawn.

5. Claim 19 is Allowable over the Combination of Meier, Launey and Borg

Applicants traverse the rejection of claim 19 under 35 U.S.C. §103(a) over Meier and Launey further in view of U.S. Patent No. 4,578,540 ("Borg"). As previously discussed, the asserted combination of Meier and Launey fails to disclose or suggest at least one element of claim 22, from which claim 19 depends. Borg discloses out-dialing restrictions to limit access to a telephone network based on a user entered code. *See Borg*, col 2, lines 20-29. However, Borg fails to disclose or suggest utilizing a voice processing system having speaker verification functionality to identify a user so as to generate a user identity, as recited by claim 22. Moreover, Borg fails to disclose or suggest restricting outbound calls based on said user identity, as recited by claim 19, which depends from claim 22. Thus, the asserted combination of Meier, Launey, and Borg fails to disclose or suggest at least two elements of claim 22. Therefore, the rejection of claim 22 should be withdrawn.

6. Claim 23 is Allowable over the Combination of Meier, Launey and Eisdorfer

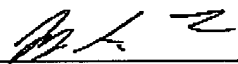
Applicants traverse the rejection of claim 23 under 35 U.S.C. §103(a) over Meier and Launey further in view of U.S. Patent No. 5,724,411 ("Eisdorfer"). As previously discussed, the asserted combination of Meier and Launey fails to disclose or suggest at least one element of claim 22, from which claim 23 depends. Eisdorfer fails to disclose or suggest utilizing a voice processing system having speaker verification functionality to identify a user so as to generate a user identity, as recited by claim 22. Eisdorfer discloses a system for selectively routing calls and for providing a distinctive alerting signal to uniquely notify the party of the call. See *Eisdorfer*, Abstract. However, Eisdorfer fails to disclose or suggest a voice processing system having speaker verification. Moreover, Eisdorfer fails to disclose or suggest associating a phone line to correspond to said user identity or determining user presence based upon said user identity, as recited by claim 23. Therefore the rejection of claim 23 should be withdrawn.

CONCLUSION

Applicants respectfully submit that the present application is in condition for allowance. Accordingly, withdrawal of each of the rejections and issuance of a Notice of Allowance for all pending claims is requested. The Commissioner is hereby authorized to charge any fees that may be required, or credit any overpayment, to Deposit Account Number 50-2469.

Respectfully submitted,

1-16-2006
Date


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